

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN HOGAN, :
: Plaintiff, :
: :
- against - :
: :
JPMORGAN CHASE & CO., :
: Defendant. :
----- X

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DATE FILED: 2/15/08

07 Civ. 8563 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for defendants, on behalf of the parties, having notified the Court, by letter dated February 15, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, and do not object to the issuance of this Order, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

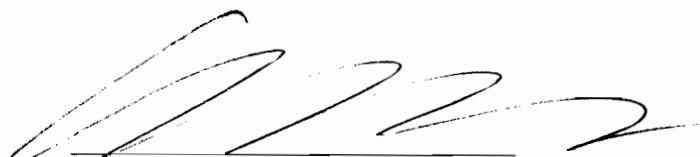
plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The conference scheduled for February 15, 2008 is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
15 February 2008



VICTOR MARRERO
U.S.D.J.



JPMorgan Chase & Co.
Legal and Compliance Department
One Chase Manhattan Plaza
New York, NY 10081

Frederic L. Lieberman, Esq.
Vice President and
Assistant General Counsel
[212] 552-1815
[Fax] 552-1630

February 15, 2008

Via facsimile (212) 805-6382

The Honorable Victor Marrero
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: John Hogan v. JPMorgan Chase & Co.
(U.S. Dist. Ct., S.D.N.Y., 07 Civ. 8563 (VM) (AJP))

Your Honor:

The JPMorgan Chase Legal and Compliance Department represents Defendant in the above-entitled action. I am writing to advise the Court that this morning the parties reached an agreement in principle to resolve this matter. I also am writing on behalf of Plaintiff and Defendant to request that the conference scheduled for this afternoon, Friday, February 15, 2008 at 5:00 p.m., either be cancelled or adjourned while the parties memorialize the terms of their agreement and effectuate the resolution. Alternatively, if the Court prefers, the parties consent to an Order dismissing this action without prejudice to reinstatement in the event that the resolution does not come to pass. I spoke with Plaintiff's attorney and he consents to these requests.

Respectfully,

A handwritten signature in black ink, appearing to read "Frederic L. Lieberman".

FLL

cc: Harry Weinberg, Esq. (via fax)